

The regular meeting of the Town Assembly of the Village of Arden was held on March 22, 1982, Chairman William Press presiding.

In attendance were:

Beatrice Jaffe
Sarah Hamburger
Rae Gerstine
Cy Liberman
Patricia Press
Bill Press
Houston Roberts
Bertha W. Brooks
Paul Thompson
Mary Morley
Bill Morley
Irene R. Heymann
Jim Brooks
Frank Herzog
Rowena Austin
Helen Vinson
Shaul Gladstone
Ruth Estes
Woodrow Vandever
Lee Starr
Gail Rinehart
June Kleban
Sally Thurston
William Bailey
Leon Tanzer
Aaron Tanzer
Sam Starr
Anne Armstrong (NV)
Connee L. McKinney
Ruth Holcomb
Donald Holcomb
William Bindloss

David Warner
Aaron Hamburger
Ruth Shaw
Eugene Shaw
Diane Kershaw
Wayne Kershaw
Mary Burslem
Joan W. Colgan
Thomas E. Colgan
Elizabeth Varley Walker
Larry Walker
Frank Akutowicz
Debby Theis
Carolyn Liberman
William Theis
Maria B. Hurlong
Carl Falco (NV)
Cecilia Vore (NV)
Helen Macklem
Jean K. Brachman
Bernard Brachman
Ruth Panella
Anne Berlin
Jim Semenick
Barbara Fenske
Meg Little
Virginia Shaw
Yvonne King
Sarah Moore
Jean Luker
Marianne Cinaglia

Minutes of the January meeting were distributed and approved.

Moved and unanimously accepted that the order of business be suspended so that the smoking policy of Town Assembly be discussed first.

Moved that smoking be allowed in the lobby, not in the Gild Hall proper during a meeting.

Disoussion: An amendment to allow smoking and non-smoking sections to be created was not accepted by the mover.

Pro: Some people are allergic to smoke, the space in the Gild Hall is not large enough or ventilated enough to accomodate smoking. Cigarette smoke makes non-smokers feel dirty and smell bad, it is an infringement of their rights.

Con: The Gild Hall is large and well ventilated enough, especially with the use of the fans, to accomodate a smoking section except at the January meeting. How would one enforce a no-smoking rule, would we need a sargeant-at-arms? Wouldn't a no-smoking rule cause smokers to avoid town meeting? Some objected to the holier-than-thou attitude of non-smokers and felt that

reasonable accomodation was the answer. Smokers are willing to be considerate and sensitive to others if asked.

Motion defeated - 14 aye, 36 nay.

The rules of Town Assembly were suspended by unanimous vote to proceed with the election of town committees. The name of Connee McKinney was added to the Registration Committee slate because 8 people are needed to run for 4 seats. Susan Warner withdrew from the Safety Committee slate and was replaced by Leon Tanzer.

Standing Committee Reports

Trustees- Cy Liberman

The financial report was distributed and is filed. We are definitely solvent.

The Trustees have been greatly concerned about the lack of adequate fire protection in Arden. Mr. Press and I have been working on this problem through the Council of Civic Organizations of Brandywine Hundred. There have been many meetings, including one with the governor and one today with the governor's attorney. The problem is far from solved. Claymont has brought back one inadequate engine, an ambulance, and no staff to Station #31. This makes the situation worse; it looks as if #31 were open but it is not. The independant evaluators said that the station should be opened with 2 engines and a full staff. The State and County are not taking aggressive action, they don't wish to offend the firemen, both pass the buck back and forth. There is a meeting tonight of the Volunteer Firemen's Association with the Claymont Station. The Association wants Claymont to revise its by-laws, elect new officers, re-instate the suspended volunteers, and re-activate Station #31. However, the Association didn't check with the suspended volunteers and the town Civic Associations. These groups have lost confidence in Claymont and don't believe Claymont will reform. Arden's position is that we need a new independant station at Marsh and Naamans Rds.

Bill Press reported that the Arden Fire Committee has been appointed and is composed of Cy Liberman, A. Barnes King, Richard Lynch, Frank Herzog, and George Macklem. The committee has met and decided that an Arden Fire Department would not be feasible, we could not meet the State regulations.

Resolution introduced by Cy Liberman

1. The Village of Arden is without adequate fire protection despite the token reopening of Station 31 at Marsh and Naamans Roads. The station has neither the equipment nor the manpower needed to deliver adequate service; it fails to comply with the standards specified by the professional evaluators recently consulted by the state and county.
2. Life and property in Arden and neighboring communities are in dire danger; an emergency exists involving public health and safety, and emergency steps by public officials are warranted.
3. Adequate fire protection can best be assured by establishing an independent fire company to serve Arden and neighboring communities in the area formerly served by Station 31.
4. The Arden Town Assembly, governing body of the Village of Arden, urges appropriate state and county officials to respond to this emergency with these steps:
 - A. Redraw fire service districts in northeastern Brandy-

wine Hundred and declare the area formerly serviced by Station 31 a new independent district.

- B. Cooperate in the speedy establishment of a new independent fire and ambulance company to serve the new district.

Discussion: It is important for our protection that both Claymont and Station #31 be fully staffed and equipped departments. Will the funding for 2 companies be adequate? Will the available funds be equally divided between the 2 companies? State insurance money is equally divided among all fire departments, the funding will be equal if each surrounding community funds the nearest company. Will the current firehouse be available for a new station? It is owned by the Hanby Trust and leased to Claymont. The Hanby Trust has sued to regain control of the building but that suit will take some time.

Motion passed unanimously.

Moved and unanimously adopted that the Town of Arden temporarily withhold their budgeted donation to the Claymont Fire Station until the September meeting.

Auditing - Bill Bindloss. The Committee presented the following resolution.

In order to clarify certain financial procedures and to allow more flexibility in investments, the Auditing Committee proposes the following resolutions:

1. It is hereby resolved by the Town Meeting of the Village of Arden that item 3 of the motion to establish financial procedures for operating the Buzz Ware Village Center passed on September 24, 1973, be amended to read as follows:
3. When the accumulation of cash in the Village Center Fund is appreciably more than current needs require, the excess shall be invested prudently by the Trustees in the name of the Incorporated Village of Arden, so that interest may accrue to the Fund. In investing the funds, the Trustees shall recognize the need for rapid access in case of emergency repairs.
2. It is hereby resolved by the Town Meeting of the Village of Arden that expenditures of budgeted funds which are not under control of a specific committee of the Village of Arden, such as Contingency, Contributions, etc. shall be authorized by two members of the Advisory Committee, one of which must be either the Chairman of the Advisory Committee or the Chairman of the Town Assembly of the Village of Arden. Alternately, such expenditures may be authorized by any two members of the Advisory Committee after an affirmative vote by a majority of the Advisory Committee or on specific instruction from the Town Meeting. The Auditing Committee in their Annual Auditing report shall indicate the disposition of the Contingency funds.

Motion unanimously adopted.

Budget - Leon Tanzer. No Report.

Civic - Joan Colgan.

The Civic Committee has awarded the maintainance contract to the Osborne Co. for the Greens and Commons. We were pleased with Apex's work, but since their bid was over \$1,000 more than Osborne, we felt we had to take the Osborne bid.

The Buzz Ware Village Center Green has been badly damaged by heavy parking usage. The committee will repair the Green after the Ardensingers show and request that the Arden Club pay for the repairs. We will also ask the BWVC Committee to ask Montessori to pay for repair of the damage caused by an oil truck making deliveries to the building and to the edges of the parking apron in front of the building.

We plan our first tour of the Village in mid-April and will set a date for the annual Arden clean-up at that time.

The Civic Committee has cleared the roads of sand and salt as well as other winter debris. We urge all residents to clean the right-of-way in front of their leaseholds.

At last we have all the road name signs we need and they are being erected.

The post-and-rail fence on the stile corner of Lower Lane and Harvey Rd. was smashed during a snow storm. We planned to repair this but within the last week the undamaged rails have been removed. If anyone knows anything about this, please contact a Civic Committee member.

Community Planning - Cy Liberman

1. The Planning Committee has considered several possible sites for the storage building proposed by the Civic Committee and has decided the best location would be next to the water tower in Sherwood Forest. This site has access from both Hillside Rd. extension and from Marsh Rd. by way of the fire lane.
2. The Planning Committee is promoting a village clean-up for May 1. Plastic bags will be provided.
3. We have prepared an amendment to Ordinance #13 on Parking which is to receive its second reading tonight. The amendment exempts from the parking requirement those leaseholders who are unable to comply.

Playground - Bill Bailey

The Playground Committee inspected the playground equipment on March 6. At the April work sessions we will replace several swing hangers, swing seats, and install more geo-textile under the swing sets.

Expenditures this quarter were:	\$ 33.20	4 swing hangers from
		Am. Playground Device Co.
	\$405.00	10 cu. yds. Right Dress
		from Silverside Home Mart
	<u>\$438.20</u>	total expenditures

This committee will return \$14.56 to the town treasury from our 1981/82 budget allocation of \$1200.00.

Buzz Ware Village Center - Elizabeth Varley Walker

The BWVC Committee met after the last Town Meeting to discuss the use of the building. There is a building use policy which was adopted in June 1976. The Committee felt this policy was well stated and needed no further amendments. Ardentown Meetings fit these guidelines.

The Wilmington Montessori Association asked if they could remove the old school bell system cabinet, and install a storage cabinet in Room 1. They also requested to move a stove and refrigerator into Room 4. The Committee agreed to these changes.

Al Bratten has reported that some residents are using the BWVC dumpster for their own use. The committee has written a letter to the Arden Page asking for cooperation on this problem. We are going to put a sign on the dumpster as well.

The Committee welcomes program ideas from the community. Anyone with suggestions should please contact any Committee member.

Discussion: What are Montessori's plans for erecting the second module? The second module was approved by Town Assembly but the design and location must be presented to Town Assembly for final approval. The BWVC Committee has heard that Montessori is working on second stage plans, but no presentation has been made to the committee as yet. Bill Bindloss assured the Assembly that Montessori will not spring anything on the Assembly suddenly.

Registration - Virginia Shaw

There are 393 residents eligible to vote at this meeting. The Trustees have informed us that a bill exempting direct democracy legislative bodies from the Sunshine Bill requirement of record vote identification will be entered in the General Assembly at Dover tomorrow.

The 1982/83 budget for our Committee provided a small sum for continuing area parties, so the circuit will probably be completed during the fiscal year about to begin.

Safety - Wayne Kershaw

Estimated cost for traffic signs will be \$310.00

New Castle County Police patrols will be continued with an upgrade for the summer season. The new committee will be meeting shortly with Ardentown to discuss scheduling, coverage and common problems.

The committee this year has spent \$1,617.75. We have not spent the extra \$650 allotted to us since we were able to cut police patrol expenses by merging with Ardentown.

Assessors - No Report.

Advisory - Hugh Roberts

New committee chairmen are reminded that they are expected to attend or send a representative to Advisory Committee meetings, always held the second Monday of the month of Town Assembly. It is an important meeting as it facilitates the business of Town Assembly.

Old Business

Ordinance #12 received a second reading.

This ordinance amends Arden Ordinance #4 by repealing its section #2 and enacting a new section #2 which reads: No person or group shall sleep or camp overnight on the Greens or other Commons in Arden. The forests of Arden shall be closed to all persons from dusk until dawn.

Amendment Proposed: That groups with written permission from the Civic Committee be allowed to sleep or camp overnight on the Greens or Commons of Arden. Amendment unanimously adopted.

Discussion: Should this ordinance be given an expiration time limit? The reason for the ordinance is to break the bad-use

pattern of behaviour in the Arden woods as we did in the case of the Arden Green. Once that pattern is broken, we would like to be able to use our woods once more. Community Planning will consider the suggestion. The Committee was reminded that if the ordinance is to be effective it must be made public, the woods should be posted.

Ordinance #13 received a second reading as amended by the Community Planning Committee.

- Section 1. Purpose. Arden has had a policy of encouraging leaseholders to provide off-street parking on their leaseholds. The ordinance makes this policy a requirement three years after adoption.
- Section 2. Every leaseholder in Arden shall provide parking to accomodate every vehicle regularly used by persons living on the leasehold.
- Section 3. The minimum number of parking spaces provided shall be two for each residential structure.
- Section 4. Violation of this ordinance shall be punishable by a fine of \$100.
- Section 5. Community Planning Committee shall administer this ordinance and shall issue warning to violaters at least 30 days before prosecuting them in the courts of Delaware.
- Section 6. This ordinance shall be effective three years after adoption.
- Section 7. The Community Planning Committee may grant an exemption from the requirement of this ordinance to any leaseholder the committee determines is unable to comply. Such exemption shall be in the form of a written statement to be filed with the secretary of the Town Assembly.

Discussion:

What constitutes a parking space? A space where a car can be parked fully off the roadway.

Why is section 7 necessary? Some people, like Jim Semenick, do not have sufficient road frontage to create a parking space. It was suggested that section 7 include specific criteria for exemptions such as lack of land or road frontage. The Committee will rewrite section 7 to include such criteria for presentation at the June Town Assembly. It was suggested that a roster of exemptions be kept.

Why is section 3 necessary, isn't section 2 sufficient? Why should we create parking spaces where they are not needed?

Moved to strike section 3. Motion carried 27 aye, 12 nay.

The Assembly was asked if they wished to lift the motion to restrict the publication and distribution of the Land Rent List, proposed and tabled at the January meeting, from the table. The Assembly voted nay with 3 yes votes.

Moved: That the Town Chairman, assisted by the Registration Committee, create a smoking area in the Upper Gild Hall for each meeting of Town Assembly.

Discussion: Smoking has been offensive at some meetings, but if smokers are considerate, as they have been tonight, it will work. It might be reasonable to have a smoke break midway through the meeting. Motion defeated 17 aye, 25 nay.

New Business

Moved: To Improve National and International security, the United States and the Soviet Union should stop the Nuclear Arms Race. Specifically, they should adopt a Mutual Freeze on the testing, production and deployment of Nuclear Weapons and of Missiles and New Aircraft designed primarily to deliver Nuclear Weapons. This is an essential, verifiable first step toward lessening the risk of Nuclear War and reducing the Nuclear Arsenals.

Discussion:

Why was this issue not publicized on the mailed agenda for the Town Assembly so that all those concerned could be sure to attend? The resolution was mentioned at the Advisory Meeting. The resolution was presented at Advisory as hearsay so we did not want to take it as fact. People should not be teased into coming to Town Assembly because of popular issues.

This is an important issue, one which many of us have been concerned about for a long time. We should follow the example of the New England Town Assemblies and advise our government of the feelings of our town.

Motion carried unanimously

Results of the Election Reported by Registration Committee.

Audit: Alton Dahl, convener, John Hewlett, Gail Rinehart.

Budget: Ruth Estes, convener, Frank Heymann.

Buzz Ware Village Center: Irene Heymann, convener, Elizabeth V. Walker.

Civic: Donald Holcomb, Eugene Shaw

Community Planning: Bernard Brachman, convener, Sandra Hurlong.

Playground: Rowena Austin, convener, Larry Walker.

Registration: Virginia Shaw, convener, Jean Brachman, Beatrice Jaffe, Helen Macklem.

Safety: Wayne Kershaw, convener, Warren Davis.

Chairman of Town Assembly: William Press

Chairman of Advisory: Hugh Roberts

Secretary of Town Assembly: Sarah Hamburger

Treasurer of Town Assembly: Rae Gerstine

Safety Committee made an appeal for volunteers to administer the Town Watch Program. Three people are needed: a nighttime scheduler, a daytime scheduler, a base station operator. People could volunteer for 6 months stints of duty. We have 125 residents volunteering to take watch duty. Please contact a member of Safety Committee if available and willing.

Residents are reminded that leaf burning is prohibited at all times. Tree trimmings may be burned between 10 AM and 4 PM. If someone notes a violator, please contact the fire department or the Department of Environmental Control.

Ruth Panella urged that the Safety Committee consider seriously installing an over-the-road walkway over the intersection of Harvey and Orleans Rds. This is a dangerous spot, especially for children, and the State Police have stated they cannot use a radar patrol there because the road is too narrow. Jim Brooks reported

that the Safety Committee is very concerned about Harvey Rd. and feels that the whole road needs improvement. The committee was urged to consult the findings of the Harvey Rd. Committee Report made several years ago at the behest of Town Assembly but never approved.

Meeting adjourned.

Respectfully submitted

Sarah S. Hamburger

Sarah S. Hamburger, Secretary